

Sturdevant

BY-LAWS
OF THE
MEDICAL SOCIETY

OF THE
COUNTY OF ONEIDA,

TOGETHER WITH THE
LAWS OF THE STATE OF NEW YORK,

RELATIVE TO THE
MEDICAL PROFESSION,

AND A
SYSTEM OF MEDICAL ETHICS.

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PUBLISHED FOR THE SOCIETY.  
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UTICA:
ROBERTS, PRINTER, 58 & 60 GENESEE STREET.
1856.

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FORWARDED BY THE SOCIETY

TO THE

JOINT LEGISLATIVE COMMITTEE

1890

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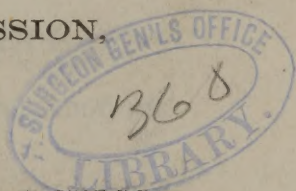
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BY-LAWS

MEDICAL SOCIETY

COMMITTEE OF ORGANIZATION

LAWS OF THE STATE OF NEW YORK

MEDICAL JOURNAL

ENTERED AS SECOND CLASS

POST OFFICE DEPARTMENT

1890

NEW YORK: PUBLISHED BY THE MEDICAL SOCIETY

BY-LAWS
OF THE
MEDICAL SOCIETY,
OF THE
COUNTY OF ONEIDA.

ADOPTED AT THE ANNUAL MEETING IN JULY, 1833.

BY-LAWS

OF THE

MEDICAL SOCIETY OF THE COUNTY OF ONEIDA.

The Medical Society of the County of Oneida, by virtue of the statute in such case made and provided, do hereby make, ordain, and declare the following By-Laws, Rules and Regulations, for the better government of the members of the said society, and for the purpose of carrying into execution the several purposes and objects of their incorporation ; that is to say :—

ARTICLE I.

PERSONS WHO MAY BE MEMBERS.

This Society shall be known by the name of the MEDICAL SOCIETY of the County of Oneida. It shall consist of all the legally authorized practicing physicians and surgeons who do now reside, or who may hereafter come to reside, in the county of Oneida, and who have been admitted, or shall be hereafter admitted, members of said Society, pursuant to the subsequent provisions of these by-laws, excepting such as have been or shall be hereafter expelled the said Society, pursuant to said by-laws and the statutes of this State.

Name of
Society.
Of whom it
shall consist.

ARTICLE II.

OFFICERS.

The officers of the said Society, shall be a President, Vice President, Recording Secretary, Corresponding Secretary, Treasurer, Librarian and five Censors. The said officers shall be chosen by ballot at the anniversary meeting, and shall hold their offices for one year, and until others shall be chosen. Vacancies occasioned by death, resignation or removal without the county, shall be filled at the first meeting which shall happen thereafter. And the said Society shall once in two years, and as often as vacancies occur, elect four delegates to the State Medical Society.

Officers.
How chosen.
Vacancies.
Delegates to
State Medi-
cal Society.

ARTICLE III.

MEETINGS.

§ 1. There shall be annually, two regular meetings of this Society, viz : An anniversary meeting on the second Tuesday in July, to be held at the city of Utica ; and a semi-annual meeting on the second Tuesday in January, to be held at such place as a majority of the Society, at its previous meeting, shall determine.

Meetings.
When held.

Extra meetings. Extra meetings may be appointed by a resolution of the Society, or called by the President—or in case of a vacancy in his office, by the Vice President, on application by five members.

Charges for misconduct. § 2. In case charges should be preferred against any member for misconduct in his profession, or for immoral conduct and habits, pursuant to the statute upon that subject, (Revised Statutes, Part 1st, Chapter 14th, Title 7th,) or for a violation of any of the laws regulating the practice of physic and surgery, the President, on such charges being presented to him, may call a special meeting without the application of five members, giving at least ten days' previous notice in one or more of the newspapers printed in the county.

Proceedings thereon.

Quorum. § 3. Nine members shall constitute a quorum for the election of officers; and for the transaction of other business, seven members shall form a quorum.

ARTICLE IV.

ORDER OF BUSINESS.

When organized. § 1. As soon as the presiding officer shall have declared the meeting organized, the order of business shall be as follows:

Minutes of previous meeting. 1st. The minutes of the previous meeting shall be read, to the end that any mistakes in the same may be corrected.

Communications and Reports. 2d. Communications and reports of Committees shall then be received.

Addresses. 3d. The reading or delivery of addresses, shall then be in order, and shall commence at 12 o'clock M.

Election of officers. 4th. Election of officers shall then take place.

Miscellaneous. 5th. Miscellaneous matters may then be disposed of.

Special meetings. § 2. At all special meetings, the business for which the Society may be convened, shall be first considered.

Rules of order. § 3. Every member, previously to speaking, shall rise from his seat, and address himself to the President. When two or more members rise at the same time, the President shall name the one who is first to speak. No member shall speak more than twice on the same question, without leave of the Society, nor more than once until every member wishing to speak, shall have spoken.

ARTICLE V.

ADMISSION OF MEMBERS.

Duty of the President in regard to applicants for membership. § 1. Whenever an applicant shall present himself for membership, it shall be the duty of the President, during the recess of the Society, (and the Society reserves to itself the right to exercise the same powers whenever in session,) to become well satisfied that the moral character and standing of the candidate are good. And if the same be not good, every such applicant shall be rejected.

Candidate not to be present. § 2. No candidate shall be present until the question of his admission be determined by the Society.

Requisites of membership, and participation in proceedings of the Society. § 3. Every member when admitted, and before he shall be entitled to vote, or take any part in the discussions, shall sign the by-laws, and shall be entitled to a certificate of membership, which shall be substantially in the following form:

"These are to certify, that Dr. _____ is a member Certificate of the Medical Society of the county of Oneida, in the State of New York, incorporated in the year of our Lord one thousand eight hundred and six.

In testimony whereof, we have affixed our hands and the seal of the Society. _____ President.

Secretary."

ARTICLE VI.

DUTIES OF OFFICERS—PRESIDENT.

§ 1. The President shall preside at all meetings, maintain order and decorum, decide all questions of order, subject to an appeal to the Society, and shall appoint all Committees, unless otherwise directed by the Society. Duties of President.

On all motions made and seconded, he shall state the question, and take the sense of the Society, and shall have the privilege of speaking thereon; and in case of a tie, shall be entitled to give a casting vote. He shall also designate at the annual meeting, two or more members to deliver dissertations on medical subjects. He shall, moreover, deliver a discourse on some medical subject, at the first anniversary meeting after his election. Motions. Casting vote.

In the absence of the President, the Vice President, or senior Censor, shall preside, and exercise the like powers. In his absence.

The Society, however, may appoint a President *pro tempore*, in the absence of the President and Vice President. President pro tem.

The Vice President shall deliver a discourse on some medical subject, at the first semi-annual meeting after his election.

CORRESPONDING SECRETARY.

§ 2. The Corresponding Secretary shall conduct, under the direction of the Society, its correspondence; retain copies of all letters and communications, and submit the same to the Society, and perform all such other duties as appertain to his office. In case of absence or sickness of one of the Secretaries, the other shall attend to the duties of both. Duties of Corresponding Secretary.

RECORDING SECRETARY.

§ 3. The Recording Secretary shall record the proceedings and have charge of all the papers of the Society. He shall read all letters and communications, shall keep the cabinet, attest all writings, notify all meetings by the authority of the Society or the President, and deliver to the chairmen of all Committees, a list of the members composing the same, stating the object of the Committee—shall note members present and absent at each meeting, and report the names of the absent, at the annual meeting, to the Treasurer. He shall likewise transmit annually to the State Medical Society, a copy of such proceedings as may be required by that body. He shall also record the name of every member, and the time of his admission; and shall deliver all books and papers belonging to the Society to his successor in office, and do such other duties as it shall deem proper to direct. Duties of Recording Secretary. Report to State Medical Society.

Books and records.

He shall not permit any paper, book or record to be removed from the archives of the Society, but shall allow the same to be examined by every member.

TREASURER.

Duties of Treasurer.

§ 4. The Treasurer shall collect and recover all bequests, donations and moneys due the Society. He shall also demand, sue for and collect all taxes that are not paid within sixty days after each annual meeting. Under the direction of the Society, he shall sell or lease any property or estate it may possess, and execute all necessary papers and writings, and have the care and management of its fiscal concerns. He shall keep an accurate account of all receipts and disbursements, in a book provided for that purpose. He shall annually pay to one of the delegates five dollars to be applied by said delegate to the Prize Fund of the State Medical Society. He shall pay out moneys on the order of the President, or in case of a vacancy, the Vice President, and report his accounts to the Society, and submit the same to the examination of an Auditing Committee, at each annual meeting—or at such other time as the Society shall require, which report shall be recorded.

Payment of moneys.

Giving of bond.

He shall also give a bond, with one or more sureties, to be approved of by the President, when required, conditioned for the faithful management of the funds of the Society, and that he will account for and pay over, when lawfully required, all sums of money which may remain in his hands.

LIBRARIAN.

Duties of Librarian.

§ 5. The Librarian shall keep a catalogue of all books and pamphlets belonging to the Society, in which he shall mention the price of each book which shall have been purchased, and the donor's name, of those which have been presented to the Society.

Deliver and receive books.

The Librarian, or his deputy, shall deliver and receive all books drawn from and returned to the library, enter in a book provided for that purpose, the time of drawing, and to whom delivered; on the return of each book, carefully examine its condition, and note any damage it may have received in the hands of the last drawer, and impose such fine as he may deem reasonable. If any book or pamphlet be essentially injured or lost, he shall assess the member by whom it was drawn, a sum sufficient to purchase another; or if the book belonged to a set of volumes, he shall require the drawer to pay for the whole set, at a fair and equitable valuation.

Books lost or injured.

Members residing within ten miles.
Over ten miles.
Fines.

Any member residing within ten miles of the library, may draw one volume or two pamphlets at a time, and retain the same one month. Any member residing over ten miles may retain such book or pamphlets three months. The Librarian shall fine each and every member three cents per day for the book or said pamphlets retained after the time thus specified.

He shall likewise assess a fine of fifty cents on the drawer of each book, and twenty-five cents for every two pamphlets not returned on or before 12 o'clock of the day of each annual and

semi-annual meeting. No member shall be allowed, on said days of meeting, to draw a book or pamphlet until after 12 o'clock M.

The Librarian shall pay to the Treasurer, at each annual meeting, all the moneys in his hands, received on account of fines, assessments, or for damages done to books. Moneys, to whom paid.

He shall likewise report to the Treasurer the name of every member, together with the amount assessed, who shall refuse or neglect to pay his fine or assessment, and he shall not permit such member to draw a book or pamphlet, until he shall exhibit the Treasurer's receipt that the fine or assessment has been paid, or that the same has been remitted by the Society. Report to the Treasurer.

CENSORS.

§ 6. The Censors shall examine all students who shall be entitled to such examination, pursuant to the provisions of the statute of this State upon that subject, and who shall moreover exhibit satisfactory evidence that they are of good moral character :—For which examination the Censors shall receive no other compensation from each student thus examined, than the defrayment of their expenses. Duty of Censors.

The Censors shall report annually the name of every student examined and recommended for a diploma. To report.

Three Censors shall constitute a quorum. Quorum.

§ 7. There shall be a standing committee, consisting of three members, whose duty shall be to recommend and purchase books for the Library, and to report to the society on the state and condition thereof, at each annual meeting. Committee for purchasing books.

ARTICLE VII.

DUTIES AND PRIVILEGES OF MEMBERS.

§ 1. The members shall vindicate the professional character and practice of each other as far as opportunity, propriety and justice may require. Duties of Members.

§ 2. Every member shall attend punctually, and give advice unreservedly in consultations; but shall not advise or consult with, or encourage in any way or manner, any empiric or pretender; but shall use all lawful means to counteract and prevent all such persons from imposing on the public. No empirics

§ 3. No member shall engage in manufacturing or vending any nostrum or secret medicine. Nor shall he use or recommend, by certificate or otherwise, the same to any person or in any complaint whatsoever. No nostrums.

§ 4. Any member who divides his responsibility with a known quack, or associates with him in consultation, or practices with nostrums, secret or patent medicines, or exposes, advertises or vends the same, or any of them, shall be considered guilty of quackery, and shall be expelled from this society, upon a vote of a majority of the members present at any meeting. Penalty for associating with quacks, &c.

Penalty for refusing to comply with the requirements of the Society. § 5. Every member who shall neglect or refuse to comply with the by-laws and regulations of this Society, or the by-laws and regulations of the Medical Society of the State of New York, or the medical law of said State, shall be expelled from said Society, upon a vote of a majority of the members present.

Manner of trial. § 6. The manner of trial of a member, with a view to expulsion under this article, and the notice to be given to him, shall be determined on whenever an accusation shall be preferred.

Verdict, how given. § 7. Said trial shall be fair and impartial, and the verdict of the members shall be given by ballot on the day of trial.

Medical Ethics. § 8. The Code of Medical Ethics, adopted and published by the American Medical Association in the year 1847, shall be, and hereby is adopted by this Society, and shall be scrupulously adhered to by each and every member thereof; and any departure from the true spirit and meaning of said Code of Ethics shall subject every such member to the discipline of this Society.

§ 9. And it is earnestly recommended that all the members of this Society keep a daily record of the most important cases under treatment, and report to this Association at its regular meetings, those that will afford interest and instruction.

ARTICLE VIII.

CHARGES OF GROSS IGNORANCE OR MISCONDUCT, AND OF IMMORAL CONDUCT AND HABITS.

Charges, to whom presented. § 1. Charges of the character above specified, may be presented to the President, or in case of a vacancy, to the Vice President, when the Society is not in session, or to the Society at any of its meetings. Such charges shall be in writing, and shall contain specifications setting forth, with certainty and precision, the offense charged. And it shall be the duty of the President or Vice President, when the charges are presented to them, and of the Society, when said charges are presented at a meeting thereof, before taking any steps to call a special meeting, to satisfy themselves, by taking legal advice or otherwise, that the said charges and specifications are conformable to the statute, and that they set forth facts sufficient to enable the judges of the county courts to proceed thereon, in case they should be found well founded by the Society.

To be made in writing.
Duty of the President and Society in relation thereto.
The person to whom charges are preferred, to call a special meeting. § 2. The President or Vice President, or the Society, to which ever the said charges shall be presented, after becoming satisfied of the matters mentioned in the first Section, Article 8th, shall cause such special meeting to be called, and such notice to be given, as is required by the statute on that subject; and when the Society shall be convened at such special meeting, the said charges shall be distinctly read, and the sense of the meeting taken thereon by ballot; and if two-thirds of the members present shall be of opinion that said charges are well founded, the President shall make out and deliver such certified copy, and such notice as are required by the statute in such case made and provided.

ARTICLE IX.

LICENTIATES.

§ 1. Every licentiate shall subscribe to the following declaration, ^{Licentiates.} which shall be kept on file by the Recording Secretary :

I, A. B., do solemnly declare that I will honestly, virtuously ^{Declaration} and chastely conduct myself in the practice of physic and surgery, ^{to be sub-} with the privilege of exercising which profession I am now to be ^{scribed.} invested ; and that I will, with fidelity and honor, do every thing in my power for the benefit of the sick committed to my charge."

§ 2. Every person admitted to the practice of physic and surgery by this Society, shall receive the following license to practice, viz :

"To all whom these presents shall come, or may in any wise concern :

"The President and members of the Medical Society of the County of Oneida, State of New York, send greeting :—

"Whereas [name and place of candidate,] hath exhibited unto ^{License.} us satisfactory testimony that he hath studied physic and surgery for the term and in the manner directed by law ; and hath, also, upon examination by our Censors, given sufficient proof of his proficiency in the healing art, and of his moral character—Wherefore, by virtue of the power vested in us by law, we do grant unto the said the privilege of practicing physic and surgery in this State, together with all the rights and immunities which usually appertain to physicians and surgeons.

"In witness whereof we have granted this diploma, sealed with our seal, and testified by our President and Secretary, at this day of 18

Secretary.

President."

ARTICLE X.

No alteration or amendment shall be made to these by-laws, ^{Amend-} unless by a vote of two-thirds of the members present at an annual ^{ments.} meeting.

LAWS OF THE STATE OF NEW YORK

RELATIVE TO THE MEDICAL PROFESSION.

General Regulations concerning the practice of Physic and Surgery in this State.—Passed in 1827.

[From the Revised Statutes, Vol. 1, Part 1, Chap. 14, Title 7.]

- Sec. 1. Medical societies to require physicians and surgeons to apply for admission.
2. If persons notified do not apply, license to be forfeited
3. Charges may be preferred to society against members for misconduct, &c.
4. When charges to be delivered to the district attorney.
5. District attorney to serve copy on accused, and give notice of hearing.
6. He shall conduct prosecution, and issue subpoenas for both parties.
7. County judges to hear and determine charges: their judgment.
- 8 & 9. Qualifications for admission to an examination; term of study, &c.
10. Certificates of commencing of studies to be filed with president of society.
11. Order of president specifying period of study, to be annexed to certificate
12. When regents to grant degrees of doctor of medicine.
13. In what counties students to be examined.
14. Candidates rejected in one county, not to be examined in another; appeal.
15. Persons rejected by state censors, not to be examined by county censors.
16. No person to practice without license, &c., from this or some other state.
17. Persons coming from another state, &c., to file copy of diploma with county clerk.
18. Certain diplomas not to confer right of practicing in this state.
19. Persons licensed, to deposit copy of license in county clerk's office.
20. Persons under twenty-one, not entitled to practice.
21. Certain degrees not to be a license; restriction as to faculties of medicine.
22. Penalty for practicing without authority.

Notice to be given to every physician and surgeon.

§ 1. The president of every county medical society shall give notice in writing, to every physician and surgeon not already admitted into such society, within the county in which the society of which he is president is situated, requiring such physician or surgeon, within sixty days after the service of such notice, to apply for and receive, a certificate of admission, as a member of such society.

How served; persons notified to forfeit their licenses if they do not apply.

§ 2. The service of every such notice shall be made personally, on the physician or surgeon, to whom it shall be directed; and if such physician or surgeon shall not, within the time specified in the notice, or within such further time as may be allowed by the president, under the regulations of the society, apply for a certificate of membership in such society, his license shall be deemed forfeited, and he shall be subject thereafter, to all the provisions and penalties of the laws of this state, in relation to unlicensed physicians, until upon a special application, he shall be admitted a member of the medical society, in the county in which he shall reside.

§ 3. If there shall be preferred to any county medical society, ^{Charges for misconduct.} specific charges against any member thereof, of gross ignorance or misconduct in his profession, or of immoral conduct or habits, a special meeting of the society to consider the charges shall be called, of which at least ten days' previous notice shall be given, in one or more of the newspapers printed in the county.

§ 4. If two-thirds of the members present at such meeting shall ^{Proceedings thereon.} be of opinion, that the charges preferred are well founded, the president of the society shall, without delay, deliver a certified copy of the charges and of the vote of the society thereon, to the district attorney of the county, and shall give notice of such delivery to the member accused, who from that time shall be suspended from the practice of physic and surgery, until the determination of such charges, in the manner hereinafter provided.

§ 5. The district attorney to whom the charges shall be delivered, shall serve a copy thereof without delay, on the member accused, and at the same time shall give him notice, of the time and place at which the judges of the court of common pleas of the county will meet, for the purpose of hearing and determining the same; such notice shall be served at least fourteen days, before the time of hearing appointed. ^{Charges to be served and notice of hearing.}

§ 6. The district attorney shall conduct the prosecution of the charges, and shall issue process to compel the attendance of such witnesses, as the president of the society and the member accused shall severally require. ^{District Attorney to prosecute.}

§ 7. The judges of the county court, at the time and place of ^{Judges to determine.} hearing appointed, or at such other time and place as they shall fix, shall proceed to hear and determine the charges, and shall examine, on oath, the witnesses produced: if they, or a majority of them, shall be satisfied, from the evidence, that the charges are true, they shall make an order, which shall be valid in law, expelling the ^{To expel,} member accused from the society, and declaring him forever thereafter incapable of practicing physic and surgery, within this state; or suspending him from such practice, for a limited period: if they ^{Or suspend,} shall be of opinion, that the charges are not established, the suspension of the member accused shall cease, and he shall be restored to all his rights and privileges, as a practicing physician and surgeon. ^{Or acquit.}

§ 8. No student shall be admitted to an examination by any ^{Qualifications of students.} medical society, until he shall have completed, with some physician and surgeon, duly authorized by law to practice his profession, the term of medical study, prescribed in the following sections of this title.

§ 9. The regular term of the study of medical science shall be ^{Term of study.} four years, but a deduction from such term, in no case to exceed one year, shall be made in either of the following cases:

1. If the student, after the age of sixteen, shall have pursued any of the studies usual in the colleges of this state, the period, during which he shall have pursued such studies, shall be deducted.

2. If the student, after the age of sixteen, shall have attended a complete course of all the lectures delivered in an incorporated medical college in this state, or elsewhere, one year shall be deducted.

Certificates. § 10. The physician and surgeon with whom a student shall commence his studies, shall file a certificate with the president of the county medical society to which he belongs, certifying that such person has so commenced his studies; and the term of study shall be considered as commencing, from the day on which such certificate is filed.

Order for term of study. § 11. If the term of study shall be intended to be for less than four years, upon either of the grounds mentioned in the ninth section of this title, the president with whom the certificate shall be filed, upon satisfactory proof that a deduction ought to be allowed, shall annex to such certificate, an order specifying the period, not exceeding one year, which, according to the proof exhibited to him, ought to be deducted from the term of four years, and directing that the term of study of the student shall be for the period that shall remain.

Requisites for diplomas from regents. § 12. No person shall receive from the regents of the university a diploma, conferring the degree of doctor of medicine, unless he shall have pursued the study of medical science for at least three years, after the age of sixteen, with some physician and surgeon, duly authorized by law to practice his profession, and shall also, after the same age, have attended two complete courses of all the lectures delivered in an incorporated medical college, and have attended the last of such courses, in the college by which he shall be recommended for his degree.

In what counties students to be examined. § 13. No student shall be admitted to an examination by any county medical society, except of the county in which he shall have pursued his medical studies for four months immediately preceding his examination; but if the student, during that period, shall have attended the lectures in either of the incorporated medical colleges of this state, he may be examined and licensed, either by the medical society of the county in which such college is situated, or by that of the county in which he shall have resided, previous to such attendance.

If rejected, to appeal. § 14. No person, who shall have been examined by the censors of any county medical society, as a candidate for the practice of physic and surgery, or either of them, and shall have been rejected on such examination, shall be admitted to an examination before the censors of any other county medical society; but such person may appeal from the decision of the censors by whom he shall have been examined, to the medical society of the state.

Persons rejected by state society. § 15. No person, who, either upon an original examination or upon an appeal, shall have been rejected by the censors of the state medical society, shall thereafter be admitted to an examination, before the censors of any county medical society.

Who to practice physic. § 16. No person shall practice physic or surgery, unless he shall have received a license or diploma, for that purpose, from one of

the incorporated medical societies in this state, or the degree of doctor of medicine from the regents of the university; or shall have been duly authorized to practice by the laws of some other state or country, and have a diploma from some incorporated college of medicine, or legally incorporated medical society, in such state or country.

§ 17. No person coming from another state or country, shall practice physic or surgery in this state, until he shall have filed a copy of his diploma with the clerk of the county where he resides, and until he shall have exhibited to the medical society of that county, satisfactory evidence that he has regularly studied physic and surgery, according to the requisitions of the ninth section of this title. Persons from another state or country.

§ 18. No diploma, granted by any authority out of this state, to an individual who shall have pursued his studies in any medical school within this state, not incorporated and organized under its laws, shall confer on such individual the right of practicing physic or surgery within this state. Diplomas to students in certain schools, not valid.

§ 19. Every person licensed to practice physic or surgery, or both, shall deposit a copy of such license with the clerk of the county where he resides, who shall file the same in his office; and until such license is so deposited, such person shall be liable to all the penalties provided by law, in the same manner as if he had no license. Licenses in all cases to be filed.

§ 20. No person under the age of twenty-one years shall be entitled to practice physic or surgery in this state. Persons under 21.

RELATING TO THE PRACTICE OF PHYSIC AND SURGERY.

An Act concerning the Practice of Physic and Surgery in this State. Passed April 7, 1830. Chap. 126, p. 141.

[From the Revised Statutes, Vol. III. Appendix, p. 104.]

§ 1. All that part of section twenty-second of title seventh of chapter fourteenth of the first part of the Revised Statutes, after the words "such practice," at the end of the third line, be and the same is hereby repealed. Repeal.

MEDICAL SOCIETIES.

An Act to incorporate Medical Societies, for the purpose of regulating the Practice of Physic and Surgery in this State. Passed April 10, 1813. Sess. 36. Chap. 94.

[From the Revised Statutes, Vol. III. p. 304.]

WHEREAS, well regulated medical societies have been found to contribute to the diffusion of true science, and particularly the knowledge of the healing art: Therefore, Preamble.

County medical societies, how incorporated.

The officers of each society.

Its corporate name, And privileges and general powers.

The present county societies to continue incorporated. Their privileges and general powers.

And officers.

The medical society of the state of New York to continue incorporated.

How constituted and composed.

§ 1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall and may be lawful for the physicians and surgeons in the several counties of this state, now authorized by law to practice in their several professions, except in those counties wherein medical societies have been already incorporated, to meet together on the first Tuesday of July next, at the place where the last term of the court of common pleas next previous to such meeting was held in their respective counties; and the several physicians and surgeons so convened as aforesaid, or any part of them, being not less than five in number, shall proceed to the choice of a president, vice president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places; and whenever the said societies shall be so organized as aforesaid, they are hereby declared to be bodies corporate and politic, in fact and in name, by the names of the medical society of the county where such societies shall respectively be formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever; and shall and may have a common seal, and may alter and renew the same at their pleasure: *Provided always,* That if the said physicians and surgeons shall not meet and organize themselves at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority of them shall think proper; and their proceedings shall be as valid as if such meeting had been at the time before specified.

§ 2. *And be it further enacted,* That the medical societies of counties already incorporated, shall continue to be bodies corporate and politic, in fact and in name, by the name of the medical society of the county where such societies have been respectively formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and shall and may have a common seal, and may alter and renew the same at their pleasure, and that the president, vice president, secretary and treasurer, of such incorporated societies, shall hold their offices for one year, and until others shall be chosen in their places.

§ 3. *And be it further enacted,* That the medical society already incorporated, by the style and name of the Medical Society of the state of New York, shall continue to be a body politic and corporate, in fact and in name, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever; and shall and may have and use a common seal, and may change and alter the same at their pleasure; and that the said society shall be composed of one member from each of the county societies in the State, elected by ballot at their annual meeting, who shall meet

together at the time and place appointed by the said society for that purpose, and being met, not less than fifteen in number, may annually elect by ballot, a President, Vice President, Secretary and Treasurer, who shall hold their offices for one year, and until others shall be chosen in their places. Its officers.

§ 4. *And be it further enacted*, That the medical society of the state of New York, and also the medical societies of the respective counties, shall and may agree upon and determine the times and places of their meeting; and the time so agreed upon shall forever thereafter be the anniversary day of holding their respective meetings; and it is hereby made the duty of the secretary of each of the county medical societies, to lodge in the office of the clerk of their respective counties, if not already done, a copy of all the proceedings had at their first meeting; and it shall also be the duty of the secretary of the medical society of the state of New York, in like manner, to lodge in the office of the secretary of this state, a copy of their proceedings had at their first general meeting; and the said clerks and secretary are hereby required to file the same in their respective offices, for which they shall each receive the sum of twelve and an half cents. Medical societies' anniversary meetings. Proceedings of first meeting, where deposited.

§ 5. *And be it further enacted*, That the members now composing the medical society of the state of New York from each of the four great districts, shall remain divided into four classes, and one class from each of said districts shall go out of office annually. State society divided into classes.

§ 6. *And be it further enacted*, That it shall be the duty of the secretary of the medical society of the state of New York, whenever the seats of any of the members shall become vacant, to give information of the same to the respective county societies, to the end that such county societies may supply such vacancy at their next meeting. Notice how given of vacancies in the state society.

§ 7. *And be it further enacted*, That in case there shall be an addition to the number of members composing the medical society of the state, that in that case it shall be in the power of the said society at any of their annual meetings, and as often as they shall judge necessary, to alter and vary the classes in such manner as that one-fourth of the members from each of the great districts, as near as may be, shall annually go out of office. Classes in the state society may be varied, and how.

§ 8. *And be it further enacted*, That if the seat of any member of the medical society of the state of New York shall be vacated, either by death, resignation, or removal from the county, it shall be the duty of the medical society of such county to fill such vacancy at their next meeting after such vacancy shall happen. Vacancies in state society how filled.

§ 9. *And be it further enacted*, That the medical societies established as aforesaid, are hereby respectively empowered to examine all students who shall and may present themselves for that purpose, and to give diplomas under the hand of the President and seal of such society before whom such student shall be examined, which diploma shall be sufficient to empower the person so obtaining the same, to practice physic or surgery, or both, as shall be set forth in the said diploma, in any part of this State. Medical societies to examine students. To give diplomas which shall authorize the party to practice.

Student, if refused diploma by county society, may appeal to the state society.

§ 10. *And be it further enacted,* That if any student who shall have presented himself for examination before any of the medical societies of the several counties of this State shall think himself aggrieved by the decision of such society, it shall be lawful for such student to present himself for examination to the medical society of the State of New York; and if in the opinion of such society, the student so applying is well qualified for the practice of physic or surgery, or both, as the case may be, the President of said society shall, under his hand and the seal of such society, give to the said applicant a diploma, agreeable to such decision.

And state society may award diploma on such appeal.

Censors to be appointed by the societies.

Their duty.

§ 11. *And be it further enacted,* That it shall and may be lawful for the several medical societies so established as aforesaid, at their annual meetings, to appoint not less than three, nor more than five censors, to continue in office for one year and until others are chosen, whose duty it shall be carefully and impartially to examine all students who shall present themselves for that purpose, and report their opinion in writing to the President of said society.

Medical societies may hold real and personal estate.

Proviso.

§ 13. *And be it further enacted,* That it shall and may be lawful for the medical societies of the respective counties of this State, and also the medical society of the State of New York, to purchase and hold any estate, real and personal, for the use of said respective societies: *Provided,* Such estate, as well real as personal, which the county societies are hereby respectively authorized to hold, shall not exceed the sum of one thousand dollars; and that the estate, as well real as personal, which the medical society of the State of New York is hereby authorized to hold, shall not exceed five thousand dollars.

Societies, their general powers to make by-laws.

Proviso.

§ 14. *And be it further enacted,* That it shall be lawful for the respective societies to make such by-laws and regulations relative to the affairs, concerns and property of said societies, relative to the admission and expulsion of members, relative to such donations or contributions as they or a majority of the members at their annual meeting shall think fit and proper: *Provided,* that such by-laws, rules and regulations made by the society of the State of New York, be not contrary to, nor inconsistent with, the constitution and laws of this State, or of the United States; and that the by-laws, rules and regulations of the respective county societies, shall not be repugnant to the by-laws, rules and regulations of the medical society of the State of New York, nor contrary to, nor inconsistent with, the constitution and laws of this State, or of the United States.

Treasurer of each county society liable for moneys.

And to account therefor. Moneys, how drawn.

§ 15. *And be it further enacted,* That the Treasurer of each society established as aforesaid, shall receive and be accountable for all moneys that shall come into his hands by virtue of any of the by-laws of such societies, and also for all moneys that shall come into the hands of the President thereof for the admission of members, or licensing students; which moneys the said President is hereby required to pay over to the said Treasurer, who shall account therefor to the society at their annual meetings, and no moneys shall be drawn from the treasurer, unless such sums and

for such purposes as shall be agreed upon by a majority of the society at their annual meeting, and by a warrant for that purpose signed by the President.

§ 16. *And be it further enacted*, That it shall be the duty of the Secretary of each of the said medical societies, to provide a book, in which he shall make an entry of all the resolutions and proceedings which may be had from time to time; and also the name of each and every member of said society, and the time of his admission, and also the annual reports relative to the state of the treasury, and all such other things as a majority of the society shall think proper; to which book any member of the society may at any time have recourse; and the same, together with all books, papers and records which may be in the hands of the Secretary, and be the property of the society, shall be delivered to his successor in office. Secretary of each society to keep its minutes, &c. And deliver them, &c., to his successor.

§ 17. *And be it further enacted*, That it shall be lawful for each of the said medical societies, to cause to be raised and collected from each of the members of such society, a sum not exceeding three dollars in any one year, for the purpose of securing a medical library and apparatus, and for the encouragement of useful discoveries in chemistry, botany, and such other improvements as the majority of the society shall think proper. A medical library and apparatus, &c., may be procured by each society, and how.

§ 18. *And be it further enacted*, That any student who may receive a diploma from the medical society of this state, shall pay to the President thereof, on receiving the same, ten dollars; and for each diploma that a student may receive from the medical society of any county, he shall pay to the President thereof, on receiving the same, five dollars: *Provided*, That the students who have been examined previous to the twenty-sixth day of May, one thousand eight hundred and twelve, and were entitled to receive diplomas, but who have not received the same, shall not pay therefor more than two dollars. What sums to be paid on receiving diplomas.

§ 19. *And be it further enacted*, That the medical society of this state may elect by ballot at their annual meeting, eminent and respectable physicians and surgeons residing in any part of this state, which persons so elected shall be permanent members of the society, and entitled to all the privileges of the same: *Provided*, That not more than two such members shall be elected in any one year, and that they receive no compensation for their attendance from the funds of the society. State society may annually elect two members thereof, and how.

§ 23. *And be it further enacted*, That it shall be in the power of the legislature to alter, modify or repeal this act whenever they shall deem it necessary or expedient. Legislature may modify or repeal this act.

§ 24. *And be it further enacted*, That if there should not be a sufficient number of physicians and surgeons in any of the counties of this state to form themselves into a medical society agreeably to this act, it shall be lawful for such physicians and surgeons to associate with the physicians and surgeons of an adjoining county, for the purposes hereby contemplated. When physicians, &c., of one county may become members of another county society.

This act declared a public act. § 25. *And be it further enacted,* That this act shall be, and hereby is declared to be a public act.*

An act to amend an act, entitled "An act to incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in this State." Passed April 20, 1818. Chap. 206, p. 192.

Censors to be elected.

§ 3. *And be it further enacted,* That the state medical society shall annually elect not more than twelve, nor less than six censors, any three of whom shall be a quorum for the examination of students.

Anniversary meeting of county societies may be altered in certain cases.

§ 5. *And be it further enacted,* That in those counties where the anniversary meetings of any county medical society shall occur on the same day on which the court of common pleas shall meet, it shall be lawful for such society to alter the time of their anniversary meeting to such day as a majority of the said society present may think proper.

Delegates to represent the colleges of medicine.

§ 6. *And be it further enacted,* That each of the colleges of medicine in this state, may elect a delegate to represent their colleges, respectively, in the medical society of the state, who shall be entitled to all the privileges, and subject to the same regulations, as the delegates from the county medical societies.

An act further to amend "An act to incorporate Medical Societies for the purpose of regulating the Practice of Physic and Surgery in this State." Passed April 13, 1819. Chap. 237, p. 308.

§ 1. *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for each medical society in this state, to cause to be raised and collected from each practicing physician or surgeon, residing in the county or counties where such society is by law established, a sum not exceeding one dollar in any one year; which sum, when collected, shall be a part of the fund of said society, to be applied as directed by the seventeenth section of the act, entitled "An act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state," passed April 10, 1813.

Tax.

An act to enable the County Medical Societies in this State to alter the time of holding their Annual Meetings. Passed April 23, 1823. Chap. 228, p. 281.

Annual meeting, &c. § 1. *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful

*The original act for establishing Medical Societies in the state, and a General State Medical Society, was passed April 4, 1806.

for any society, incorporated under the act, entitled "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state," at any anniversary meeting of such society, to change the day of holding their annual meeting to such other day in the year as may be more convenient : *Provided*,^{Proviso.} That two-thirds of the members present concur in voting for such change : notice of intention to move the same having been first given at some previous regular meeting of the society.*

*It will be observed that the Revisors have omitted the following sections as not in force——In the act passed April 10, 1813, sections 12, 20, 21, 22——In the act passed April 20, 1818, sections 1, 2, 4, 7——In the act passed April 13, 1819, section 2. All the above are repealed by enactments contained in the "*General Regulations*" contained in pages 17, &c.

REPORT

*Of the Committee appointed under the 6th Resolution, adopted by the
National Medical Convention which assembled in
New York, in May, 1846.*

6th. Resolved, That it is expedient that the Medical Profession in the United States should be governed by the same code of Medical Ethics, and that a committee of seven be appointed to report a code for that purpose, at a meeting to be held at Philadelphia, on the first Wednesday of May, 1847.

Committee.—Drs. J. Bell, I. Hays, and G. Emerson, Philadelphia; W. W. Morris, Dover, Del.; T. C. Dunn, Newport, R. I.; A. Clark, N. Y.; and R. D. Arnold, Savannah, Ga.

INTRODUCTION TO THE CODE OF MEDICAL ETHICS.

Medical ethics, as a branch of general ethics, must rest on the basis of religion and morality. They comprise not only the duties, but also the rights of a physician: and, in this sense, they are identical with Medical Deontology—a term introduced by a late writer, who has taken the most comprehensive view of the subject.

In framing a code on this basis, we have the inestimable advantage of deducing its rules from the conduct of the many eminent physicians who have adorned the profession by their learning and their piety. From the age of Hippocrates to the present time, the annals of every civilized people contain abundant evidences of the devotedness of medical men to the relief of their fellow creatures from pain and disease, regardless of the privation and danger, and not seldom obloquy, encountered in return; a sense of ethical obligations rising superior, in their minds, to considerations of personal advancement. Well and truly was it said by one of the most learned men of the last century: that the duties of a physician were never more beautifully exemplified than in the conduct of Hippocrates, nor more eloquently described than in his writings.

We may here remark, that if a state of probation be intended for moral discipline, there is, assuredly, much in the daily life of a physician to impart this salutary training, and to insure continuance in a course of self-denial, and, at the same time, of zealous and methodical efforts for the relief of the suffering and unfortunate, irrespective of rank or fortune, or of fortuitous elevation of any kind.

A few considerations on the legitimate range of medical ethics will serve as an appropriate introduction to the requisite rules for our guidance in the complex relations of professional life.

Every duty or obligation implies, both in equity and for its successful discharge, a corresponding right. As it is the duty of a physician to advise, so has he a right to be attentively and respectfully listened to. Being required to expose his health and life for the benefit of the community, he has a just claim, in return, on all its members, collectively

and individually, for aid to carry out his measures, and for all possible tenderness and regard to prevent needlessly harrassing calls on his services and unnecessary exhaustion of his benevolent sympathies.

His zeal, talents, attainments and skill are qualities which he holds in trust for the general good, and which cannot be prodigally spent, either through his own negligence or the inconsiderateness of others, without wrong and detriment both to himself and to them.

The greater the importance of the subject and the more deeply interested all are in the issue, the more necessary is it that the physician—he who performs the chief part, and in whose judgment and discretion, under Providence, life is secured and death turned aside—should be allowed the free use of his faculties, undisturbed by a querulous manner, and desponding, angry, or passionate interjections, under the plea of fear, or grief, or disappointment of cherished hopes, by the sick and their friends.

All persons privileged to enter the sick room, and the number ought to be very limited, are under equal obligations of reciprocal courtesy, kindness, and respect; and, if any exception be admissible, it cannot be at the expense of the physician. His position, purposes and proper efforts eminently entitle him to, at least, the same respectful and considerate attentions that are paid, as a matter of course and apparently without constraint, to the clergyman, who is admitted to administer spiritual consolation, and to the lawyer, who comes to make the last will and testament.

Although professional duty requires of a physician, that he should have such a control over himself as not to betray strong emotion in the presence of his patient, nor to be thrown off his guard by the querulousness or even rudeness of the latter, or of his friends at the bedside, yet, and the fact ought to be generally known, many medical men, possessed of abundant attainments and resources, are so constitutionally timid and readily abashed as to lose much of their self-possession and usefulness at the critical moment, if opposition be abruptly interposed to any part of the plan which they are about devising for the benefit of their patients.

Medical ethics cannot be so divided as that one part shall obtain the full and proper force of moral obligations on physicians universally, and, at the same time, the other be construed in such a way as to free society from all restrictions in its conduct to them; leaving it to the caprice of the hour to determine whether the truly learned shall be overlooked in favor of ignorant pretenders—persons destitute alike of original talent and acquired fitness.

The choice is not indifferent, in an ethical point of view, besides its important bearing on the fate of the sick themselves, between the directness and sincerity of purpose, the honest zeal, the learning and impartial observations, accumulated from age to age for thousands of years, of the regularly initiated members of the medical profession, and the crooked devices and low arts, for evidently selfish ends, the unsupported promises and reckless trials of interloping empirics, whose very announcements of the means by which they profess to perform their wonders are, for the most part, misleading and false, and, so far, fraudulent.

In thus deducing the rights of a physician from his duties, it is not meant to insist on such a correlative obligation, that the withholding of the right exonerates from the discharge of the duty. Short of the formal abandonment of the practice of his profession, no medical man can withhold his services from the requisition either of an individual or of the community, unless under circumstances, of rare occurrence, in which his compliance would be not only unjust but degrading to himself, or to a professional brother, and so far diminish his future usefulness.

In the discharge of their duties to society, physicians must be ever ready and prompt to administer professional aid to all applicants, without prior stipulation of personal advantages to themselves.

On them devolves in a peculiar manner, the task of noting all the circumstances affecting the public health, and of displaying skill and ingenuity in devising the best means for its protection.

With them rests, also, the solemn duty of furnishing accurate medical testimony in all cases of criminal accusation of violence, by which health is endangered and life destroyed, and in those other numerous ones involving the question of mental sanity and of moral and legal responsibility.

On these subjects—Public Hygiene and Medical Jurisprudence—every medical man must be supposed to have prepared himself by study, observation, and the exercise of a sound judgment. They cannot be regarded in the light of accomplishments merely: they are an integral part of the science and practice of medicine.

It is a delicate and noble task, by the judicious application of public hygiene, to prevent disease and to prolong life; and thus to increase the productive industry, and, without assuming the office of moral and religious teaching, to add to the civilization of an entire people.

In the performance of this part of their duty, physicians are enabled to exhibit the close connection between hygiene and morals; since all the causes contributing to the former are nearly equally auxiliary to the latter.

Physicians, as conservators of the public health, are bound to bear emphatic testimony against quackery in all its forms; whether it appears with its usual effrontery, or masks itself under the garb of philanthropy and sometimes of religion itself.

By an anomaly in legislation and penal enactments, the laws, so stringent for the repression and punishment of fraud in general, and against attempts to sell poisonous substances for food, are silent, and of course inoperative, in the cases of both fraud and poisoning so extensively carried on by the host of quacks who infest the land.

The newspaper press, powerful in the correction of many abuses, is too ready for the sake of lucre to aid and abet the enormities of quackery. Honorable exceptions to the once general practice in this respect are becoming, happily, more numerous, and they might be more rapidly increased, if physicians, when themselves free from all taint, were to direct the attention of the editors and proprietors of newspapers, and of periodical works in general, to the moral bearings of the subject.

To those who, like physicians, can best see the extent of the evil, it is still more mortifying than in the instances already mentioned, to find

members of other professions, and especially ministers of the gospel, so prone to give their countenance, and, at times direct patronage, to medical empirics, both by their use of nostrums, and by their certificates in favor of the absurd pretensions of these impostors.

The credulous, on these occasions, place themselves in the dilemma of bearing testimony either to a miracle or to an imposture: to a miracle, if one particular agent, and it often of known inertness or slight power, can cure all diseases, or even any one disease in all its stages; to an imposture, if the alleged cures are not made, as experience shows that they are not.

But by no class are quack medicines and nostrums so largely sold and distributed as by apothecaries, whose position towards physicians, although it may not amount to actual affinity, is such that it ought, at least, to prevent them from entering into an actual, if not formally recognized, alliance with empirics of every grade and degree of pretension.

Too frequently we meet with physicians who deem it a venial error in ethics to permit, and even to recommend, the use of a quack medicine or secret compound by their patients and friends. They forget that their toleration implies sanction of a recourse by the people generally to unknown, doubtful and conjectural fashions of medication; and that the credulous in this way soon become the victims of an endless succession of empirics. It must have been generally noticed also, that they whose faith is strongest in the most absurd pretensions of quackery, entertain the greatest skepticism towards regular and philosophic medicine.

Adverse alike to ethical propriety and to medical logic, are the various popular delusions which, like so many epidemics, have, in successive ages, excited the imagination with extravagant expectations of the cure of all diseases and the prolongation of life beyond its customary limits, by means of a single substance. Although it is not in the power of physicians to prevent, or always to arrest, these delusions in their progress, yet it is incumbent on them, from their superior knowledge and better opportunities, as well as from their elevated vocation, steadily to refuse to extend to them the slightest countenance, still less support.

These delusions are sometimes manifested in the guise of a new and infallible system of medical practice—the faith in which, among the excited believers, is usually in the inverse ratio of the amount of common sense evidence in its favor. Among the volunteer missionaries for its dissemination, it is painful to see members of the sacred profession, who, above all others, ought to keep aloof from vagaries of any description, and especially of those medical ones which are allied to empirical imposture.

The plea of good intention is not an adequate reason for the assumption of so grave a responsibility as the propagation of a theory and practice of medicine, of the real foundation and nature of which the mere medical amateur must necessarily, from his want of opportunities for study, observation, and careful comparison, be profoundly ignorant.

In their relations with the sick, physicians are bound, by every consideration of duty, to exercise the greatest kindness with the greatest circumspection; so that, whilst they make every allowance for impatience, irritation, and inconsistencies of manner and speech of the suf-

ferers, and do their utmost to soothe and tranquilize, they shall at the same time elicit from them, and the persons in their confidence, a revelation of all the circumstances connected with the probable origin of the diseases which they are called upon to treat.

Owing either to the confusion, and at times obliquity of mind produced by the disease, or to considerations of false delicacy and shame, the truth is not always directly reached on these occasions; and hence the necessity, on the part of the physician, of a careful and minute investigation into both the physical and moral state of his patient.

A physician in attendance on a case should avoid expensive complications and tedious ceremonials, as being beneath the dignity of true science and embarrassing to the patient and his family, whose troubles are already great.

In their intercourse with each other, physicians will best consult and secure their own self-respect and consideration from society in general, by a uniform courtesy and high-minded conduct towards their professional brethren. The confidence in his intellectual and moral worth, which each member of the profession is ambitious of obtaining for himself among his associates, ought to make him willing to place the same confidence in the worth of others.

Veracity, so requisite in all the relations of life, is a jewel of inestimable value in medical description and narrative, the lustre of which ought never to be tainted for a moment, by even the breath of suspicion. Physicians are peculiarly enjoined, by every consideration of honor and of conscientious regard for the health and lives of their fellow beings, not to advance any statement unsupported by positive facts, nor to hazard an opinion or hypothesis that is not the result of deliberate inquiry into all the data and bearings of which the subject is capable.

Hasty generalization, paradox and fanciful conjectures, repudiated at all times by sound logic, are open to the severest reprehension on the still higher grounds of humanity and morals. Their tendency and practical operation cannot fail to be eminently mischievous.

Among medical men associated together for the performance of professional duties in public institutions, such as medical colleges, hospitals and dispensaries, there ought to exist, not only harmonious intercourse, but also a general harmony in doctrine and practice; so that neither students nor patients shall be perplexed, nor the medical community mortified by contradictory views of the theory of disease, if not of the means of curing it.

The right of free inquiry, common to all, does not imply the utterance of crude hypotheses, the use of figurative language, a straining after novelty for novelty's sake, and the involution of old truths, for temporary effect and popularity, by medical writers and teachers. If, therefore, they who are engaged in a common cause, and for the furtherance of a common object, could make an offering of the extreme, the doubtful, and the redundant, at the shrine of philosophical truth, the general harmony in medical teaching, now desired, would be of easy attainment.

It is not enough, however, that the members of the medical profession be zealous, well informed and self-denying, unless the social principle be cultivated by their seeking frequent intercourse with each other, and cultivating, reciprocally, friendly habits of acting in common.

By union alone can medical men hope to sustain the dignity and extend the usefulness of their profession. Among the chief means to bring about this desirable end, are frequent social meetings and regularly organized societies; a part of whose beneficial operation would be an agreement on a suitable standard of medical education, and a code of medical ethics.

Greatly increased influence, for the entire body of the profession, will be acquired by a union for the purposes of common benefit and the general good; while to its members, individually, will be insured a more pleasant and harmonious intercourse, one with another, and an avoidance of many heartburnings and jealousies, which originate in misconception, through misrepresentation on the part of individuals in general society, of each other's disposition, motives, and conduct.

In vain will physicians appeal to the intelligence and elevated feelings of the members of other professions, and of the better part of society in general, unless they be true to themselves, by a close adherence to their duties, and by firmly yet mildly insisting on their rights; and this not with a glimmering perception and faint avowal, but rather with a full understanding and firm conviction.

Impressed with the nobleness of their vocation, as trustees of science and almoners of benevolence and charity, physicians should use unceasing vigilance to prevent the introduction into their body of those who have not been prepared by a suitably preparatory moral and intellectual training.

No youth ought to be allowed to study medicine, whose capacity, good conduct, and elementary knowledge are not equal, at least, to the common standard of academical requirements.

Human life and human happiness must not be endangered by the incompetency of presumptuous pretenders. The greater the inherent difficulties of medicine, as a science, and the more numerous the complications that embarrass in its practice, the more necessary is it that there should be minds of a high order and thorough cultivation, to unravel its mysteries and to deduce scientific order from apparently empirical confusion.

We are under the strongest ethical obligations to preserve the character which has been awarded, by the most learned men and best judges of human nature, to the members of the medical profession, for general and extensive knowledge, great liberality and dignity of sentiment, and prompt effusions of beneficence.

In order that we may continue to merit these praises, every physician, within the circle of his acquaintance, should impress both fathers and sons with the range and variety of medical study, and with the necessity of those who desire to engage in it, possessing not only good preliminary knowledge, but likewise some habits of regular and systematic thinking.

If able teachers and writers, and profound inquirers, be still called for to expound medical science, and to extend its domain of practical application and usefulness, they cannot be procured by intuitive effort on their own part, nor by the exercise of the elective suffrage on the part of others. They must be the product of a regular and comprehensive system—members of a large class, from the great body of which they only differ by the force of fortuitous circumstances, that gives them temporary vantage ground for the display of qualities and attainments common to their brethren.

JOHN BELL, M. D.

CODE OF MEDICAL ETHICS.

CHAPTER I.—Of the duties of physicians to their patients, and of the obligations of patients to their physicians.

ART. I.—Of the duties of physicians to their patients.

ART. II.—Of the obligations of patients to their physicians.

CHAPTER II.—Of the duties of physicians to each other, and to the profession at large.

ART. I.—Of the duties of physicians for the support of professional character.

ART. II.—Of the duties of physicians in regard to professional services to each other.

ART. III.—Of the duties of physicians in regard to vicarious offices.

ART. IV.—Of the duties of physicians in consultations.

ART. V.—Of the duties of physicians in cases of interference with one another.

ART. VI.—Of the duties of physicians when differences occur between them.

ART. VII.—Of the duties of physicians in regard to pecuniary acknowledgments.

CHAPTER III.—Of the duties of the profession to the public, and of the obligations of the public to the profession.

ART. I.—Of the duties of the profession to the public.

ART. II.—Of the obligations of the public to physicians.

The Committee appointed under the sixth resolution adopted by the Convention which assembled in New York, in May last, to prepare a Code of Medical Ethics for the government of the medical profession of the United States, respectfully submit the following Code.

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| JOHN BELL, ISAAC HAYS, G. EMERSON, W. W. MORRIS, T. C. DUNN, A. CLARK, R. D. ARNOLD, | } Committee. |
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PHILADELPHIA, June 5, 1847.

NOTE.—Dr. Hays, on presenting this report, stated that justice required some explanatory remarks should accompany it. The members of the Convention, he observed, would not fail to recognize in parts of it, expressions with which they were familiar. On examining a great number of codes of ethics adopted by different societies in the United States, it was found that they were all based on that by Dr. Percival, and that the phrases of this writer were preserved, to a considerable extent, in all of them. Believing that language which had been so often examined and adopted, must possess the greatest of merits for such a document as the present, clearness and precision, and having no ambition for the honors of authorship, the Committee which prepared this code have followed a similar course, and have carefully preserved the words of Percival wherever they convey the precepts it is wished to inculcate. A few of the sections are in the words of the late Dr. Rush, and one or two sentences are from other writers. But in all cases, wherever it was thought that the language could be made more explicit by changing a word, or even a part of a sentence, this has been unhesitatingly done; and thus there are but few sections which have not undergone some modification; while, for the language of many, and for the arrangement of the whole, the Committee must be held exclusively responsible.

CHAPTER I.

OF THE DUTIES OF PHYSICIANS TO THEIR PATIENTS, AND OF THE OBLIGATIONS OF PATIENTS TO THEIR PHYSICIANS.

ARTICLE I.

DUTIES OF PHYSICIANS TO THEIR PATIENTS.

§ 1. A physician should not only be ever ready to obey the calls of the sick, but his mind ought also to be imbued with the greatness of his mission, and the responsibility he habitually incurs in its discharge. Those obligations are the more deep and enduring, because there is no tribunal other than his own conscience, to adjudge penalties for carelessness or neglect. Physicians should, therefore, minister to the sick with due impressions of the importance of their office; reflecting that the ease, the health, and the lives of those committed to their charge, depend on their skill, attention and fidelity. They should study also, in their deportment, so to unite *tenderness* with *firmness*, and *condescension* with *authority*, as to inspire the minds of their patients with gratitude, respect and confidence.

§ 2. Every case committed to the charge of a physician should be treated with attention, steadiness and humanity. Reasonable indulgence should be granted to the mental imbecility and caprices of the sick. Secrecy and delicacy, when required by peculiar circumstances, should be strictly observed; and the familiar and confidential intercourse to which physicians are admitted in their professional visits, should be used with discretion, and with the most scrupulous regard to fidelity and honor. The obligation of secrecy extends beyond the period of professional services;—none of the privacies of personal and domestic life, no infirmity of disposition or flaw of character observed during professional attendance, should ever be divulged by him except when he is imperatively required to do so. The force and necessity of this obligation are indeed so great, that professional men have, under certain circumstances, been protected in their observance of secrecy, by courts of justice.

§ 3. Frequent visits to the sick are in general requisite, since they enable the physician to arrive at a more perfect knowledge of the disease—to meet promptly every change which may occur, and also tend to preserve the confidence of the patient. But unnecessary visits are to be avoided, as they give useless anxiety to the patient, tend to diminish the authority of the physician, and render him liable to be suspected of interested motives.

§ 4. A physician should not be forward to make gloomy prognostications, because they savor of empiricism, by magnifying the importance of his services in the treatment or cure of the disease. But he should not fail, on proper occasions, to give to the friends of the patient timely notice of danger, when it really occurs; and even to the patient himself, if absolutely necessary. This office, however, is so peculiarly alarming when executed by him, that it ought to be declined whenever it can be

assigned to any other person of sufficient judgment and delicacy. For, the physician should be the minister of hope and comfort to the sick; that by such cordials to the drooping spirit, he may smooth the bed of death, revive expiring life, and counteract the depressing influence of those maladies which often disturb the tranquility of the most resigned, in their last moments. The life of a sick person can be shortened not only by the acts, but also by the words or the manner of a physician. It is, therefore, a sacred duty to guard himself carefully in this respect, and to avoid all things which have a tendency to discourage the patient and to depress his spirits.

§ 5. A physician ought not to abandon a patient because the case is deemed incurable; for his attendance may continue to be highly useful to the patient, and comforting to the relatives around him, even in the last period of a fatal malady, by alleviating pain and other symptoms, and by soothing mental anguish. To decline attendance, under such circumstances, would be sacrificing to fanciful delicacy and mistaken liberality, that moral duty which is independent of and far superior to all pecuniary consideration.

§ 6. Consultations should be promoted in difficult or protracted cases, as they give rise to confidence, energy, and more enlarged views in practice.

§ 7. The opportunity which a physician not unfrequently enjoys of promoting and strengthening the good resolutions of his patients, suffering under the consequences of vicious conduct, ought never to be neglected. His counsels, or even remonstrances, will give satisfaction, not offense, if they be proffered with politeness, and evince a genuine love of virtue, accompanied by a sincere interest in the welfare of the person to whom they are addressed.

ARTICLE II.

OBLIGATIONS OF PATIENTS TO THEIR PHYSICIANS.

§ 1. The members of the medical profession, upon whom are enjoined the performance of so many important and arduous duties towards the community, and who are required to make so many sacrifices of comfort, ease, and health, for the welfare of those who avail themselves of their services, certainly have a right to expect and require, that their patients should entertain a just sense of the duties which they owe to their medical attendants.

§ 2. The first duty of a patient is, to select as his medical adviser one who has received a regular professional education. In no trade or occupation, do mankind rely on the skill of an untaught artist; and in medicine, confessedly the most difficult and intricate of the sciences, the world ought not to suppose that knowledge is intuitive.

§ 3. Patients should prefer a physician, whose habits of life are regular, and who is not devoted to company, pleasure, or to any pursuit incompatible with his professional obligations. A patient should, also, confide the care of himself and family, as much as possible, to one physician, for a medical man who has become acquainted with the peculiarities of constitution, habits, and predispositions of those he attends, is more likely to be successful in his treatment, than one who does not possess that knowledge.

A patient who has thus selected his physician, should always apply for advice in what may appear to him trivial cases, for the most fatal results often supervene on the slightest accidents. It is of still more importance that he should apply for assistance in the forming stage of violent diseases; it is to a neglect of this precept that medicine owes much of the uncertainty and imperfection with which it has been reproached.

§ 4. Patients should faithfully and unreservedly communicate to their physician the supposed cause of their disease. This is the more important, as many diseases of a mental origin simulate those depending on external causes, and yet are only to be cured by ministering to the mind diseased. A patient should never be afraid of thus making his physician his friend and adviser; he should always bear in mind that a medical man is under the strongest obligations of secrecy. Even the female sex should never allow feelings of shame or delicacy to prevent their disclosing the seat, symptoms and causes of complaints peculiar to them. However commendable a modest reserve may be in the common occurrences of life, its strict observance in medicine is often attended with the most serious consequences, and a patient may sink under a painful and loathsome disease, which might have been readily prevented had timely intimation been given to the physician.

§ 5. A patient should never weary his physician with a tedious detail of events or matters not appertaining to his disease. Even as relates to his actual symptoms, he will convey much more real information by giving clear answers to interrogatories, than by the most minute account of his own framing. Neither should he obtrude the details of his business nor the history of his family concerns.

§ 6. The obedience of a patient to the prescriptions of his physician should be prompt and implicit. He should never permit his own crude opinions as to their fitness, to influence his attention to them. A failure in one particular may render an otherwise judicious treatment dangerous, and even fatal. This remark is equally applicable to diet, drink and exercise. As patients become convalescent they are very apt to suppose that the rules prescribed for them may be disregarded, and the consequence but too often is a relapse. Patients should never allow themselves to be persuaded to take any medicine whatever, that may be recommended to them by the self-constituted doctors and doctresses, who are so frequently met with, and who pretend to possess infallible remedies for the cure of every disease. However simple some of their prescriptions may appear to be, it often happens that they are productive of much mischief, and in all cases they are injurious, by contravening the plan of treatment adopted by the physician.

§ 7. A patient should, if possible, avoid even the *friendly visits of a physician* who is not attending him; and when he does receive them, he should never converse on the subject of his disease, as an observation may be made, without any intention of interference, which may destroy his confidence in the course he is pursuing, and induce him to neglect the directions prescribed to him. A patient should never send for a consulting physician without the express consent of his own medical attendant. It is of great importance that physicians should act in concert;

for, although their modes of treatment may be attended with equal success when employed singly, yet conjointly they are very likely to be productive of disastrous results.

§ 8. When a patient wishes to dismiss his physician, justice and common courtesy require that he should declare his reasons for so doing.

§ 9. Patients should always, when practicable, send for their physician in the morning, before his usual hour of going out; for, by being early aware of the visits he has to pay during the day, the physician is able to apportion his time in such a manner as to prevent an interference of engagements. Patients should also avoid calling on their medical adviser unnecessarily during the hours devoted to meals or sleep. They should always be in readiness to receive the visits of their physician, as the detention of a few minutes is often of serious inconvenience to him.

§ 10. A patient should, after his recovery, entertain a just and enduring sense of the value of the services rendered him by his physician; for these are of such a character, that no mere pecuniary acknowledgment can repay or cancel them.

CHAPTER II.

OF THE DUTIES OF PHYSICIANS TO EACH OTHER, AND TO THE PROFESSION AT LARGE.

ARTICLE I.

DUTIES FOR THE SUPPORT OF PROFESSIONAL CHARACTER.

§ 1. Every individual, on entering the profession, as he becomes thereby entitled to all its privileges and immunities, incurs an obligation to exert his best abilities to maintain its dignity and honor, to exalt its standing, and to extend the bounds of its usefulness. He should therefore observe strictly, such laws as are instituted for the government of its members; should avoid all contumelious and sarcastic remarks relative to the faculty, as a body; and while, by unwearied diligence, he resorts to every honorable means of enriching the science, he should entertain a due respect for his seniors, who have, by their labors, brought it to the elevated condition in which he finds it.

§ 2. There is no profession, from the members of which greater purity of character, and a higher standard of moral excellence are required, than the medical; and to attain such eminence, is a duty every physician owes alike to his profession, and to his patients. It is due to the latter, as without it he cannot command their respect and confidence, and to both, because no scientific attainments can compensate for the want of correct moral principles. It is also incumbent upon the faculty to be temperate in all things, for the practice of physic requires the unremitting exercise of a clear and vigorous understanding; and, on emergencies for which no professional man should be unprepared, a steady hand, an acute eye, and an unclouded head may be essential to the well being, and even to the life, of a fellow creature.

§ 3. It is derogatory to the dignity of the profession to resort to public advertisements or private cards or handbills, inviting the attention of individuals affected with particular diseases—publicly offering advice and

medicine to the poor gratis, or promising radical cures; or to publish cases and operations in the daily prints or suffer such publications to be made;—to invite laymen to be present at operations—to boast of cures and remedies—to adduce certificates of skill and success, or to perform any other similar acts. These are the ordinary practices of empirics, and are highly reprehensible in a regular physician.

§ 4. Equally derogatory to professional character is it, for a physician to hold a patent for any surgical instrument, or medicine; or to dispense a secret *nostrum*, whether it be the composition or exclusive property of himself, or of others. For if such *nostrum* be of real efficacy, any concealment regarding it is inconsistent with beneficence and professional liberality; and if mystery alone give it value and importance, such craft implies either disgraceful ignorance, or fraudulent avarice. It is also reprehensible for physicians to give certificates attesting the efficacy of patent or secret medicines, or in any way to promote the use of them.

ARTICLE II.

PROFESSIONAL SERVICES OF PHYSICIANS TO EACH OTHER.

§ 1. All practitioners of medicine, their wives, and their children while under the paternal care, are entitled to the gratuitous services of any one or more of the faculty residing near them, whose assistance may be desired. A physician afflicted with disease is usually an incompetent judge of his own case; and the natural anxiety and solicitude which he experiences at the sickness of a wife, a child, or any one who by the ties of consanguinity is rendered peculiarly dear to him, tend to obscure his judgment, and produce timidity and irresolution in his practice. Under such circumstances, medical men are peculiarly dependent upon each other, and kind offices and professional aid should always be cheerfully and gratuitously afforded. Visits ought not, however, to be obtruded officiously; as such unasked civility may give rise to embarrassment, or interfere with that choice on which confidence depends. But if a distant member of the faculty, whose circumstances are affluent, request attendance, and an honorarium be offered, it should not be declined; for no pecuniary obligation ought to be imposed, which the party receiving it would wish not to incur.

ARTICLE III.

OF THE DUTIES OF PHYSICIANS AS RESPECTS VICARIOUS OFFICES.

§ 1. The affairs of life, the pursuit of health, and the various accidents and contingencies to which a medical man is peculiarly exposed, sometimes require him temporarily to withdraw from his duties to his patients, and to request some of his professional brethren to officiate for him. Compliance with this request is an act of courtesy, which should always be performed with the utmost consideration for the interest and character of the family physician, and when exercised for a short period, all the pecuniary obligations for such service should be awarded to him. But if a member of the profession neglect his business in quest of pleasure and amusement, he cannot be considered as entitled to the advan-

tages of the frequent and long continued exercise of this fraternal courtesy, without awarding to the physician who officiates the fees arising from the discharge of his professional duties.

In obstetrical and important surgical cases, which give rise to unusual fatigue, anxiety and responsibility, it is just that the fees accruing therefrom should be awarded to the physician who officiates. •

ARTICLE IV.

OF THE DUTIES OF PHYSICIANS IN REGARD TO CONSULTATIONS.

§ 1. A regular medical education furnishes the only presumptive evidence of professional abilities and acquirements, and ought to be the only acknowledged right of an individual to the exercise and honors of his profession. Nevertheless, as in consultations the good of the patient is the sole object in view, and this is often dependent on personal confidence, no intelligent regular practitioner, who has a license to practice from some medical board of known and acknowledged respectability, recognized by this association, and who is in good moral and professional standing in the place in which he resides, should be fastidiously excluded from fellowship, or his aid refused in consultation when it is requested by the patient. But no one can be considered as a regular practitioner, or a fit associate in consultation, whose practice is based on an exclusive dogma, to the rejection of the accumulated experience of the profession, and of the aids actually furnished by anatomy, physiology, pathology, and organic chemistry.

§ 2. In consultations no rivalry or jealousy should be indulged; candor, probity, and all due respect should be exercised towards the physician having charge of the case.

§ 3. In consultations the attending physician should be the first to propose the necessary questions to the sick; after which the consulting physician should have the opportunity to make such farther inquiries of the patient as may be necessary to satisfy him of the true character of the case. Both physicians should then retire to a private place for deliberation; and the one first in attendance should communicate the directions agreed upon to the patient or his friends, as well as any opinions which it may be thought proper to express. But no statement or discussion of it should take place before the patient or his friends, except in the presence of all the faculty attending, and by their common consent; and no *opinions* or *prognostications* should be delivered, which are not the result of previous deliberation and concurrence.

§ 4. In consultations, the physician in attendance should deliver his opinion first; and when there are several consulting, they should deliver their opinions in the order in which they have been called in. No decision, however, should restrain the attending physician from making such variations in the mode of treatment, as any subsequent unexpected change in the character of the case may demand. But such variation and the reasons for it ought to be carefully detailed at the next meeting in consultation. The same privilege belongs also to the consulting physician if he is sent for in an emergency, when the regular attendant is out of the way, and similar explanations must be made by him at the next consultation.

§ 5. The utmost punctuality should be observed in the visits of physicians when they are to hold consultation together, and this is generally practicable, for society has been considerate enough to allow the plea of a professional engagement to take precedence of all others, and to be an ample reason for the relinquishment of any present occupation. But as professional engagements may sometimes interfere, and delay one of the parties, the physician who first arrives should wait for his associate a reasonable period, after which the consultation should be considered as postponed to a new appointment. If it be the attending physician who is present, he will of course see the patient and prescribe; but if it be the consulting one, he should retire, except in case of emergency, or when he has been called from a considerable distance, in which latter case he may examine the patient, and give his opinion in *writing and under seal*, to be delivered to his associate.

§ 6. In consultations, theoretical discussions should be avoided, as occasioning perplexity and loss of time. For there may be much diversity of opinion concerning speculative points, with perfect agreement in those modes of practice which are founded, not on hypothesis, but on experience and observation.

§ 7. All discussions in consultation should be held as secret and confidential. Neither by words nor manner should any of the parties to a consultation assert or insinuate, that any part of the treatment pursued did not receive his assent. The responsibility must be equally divided between the medical attendants—they must equally share the credit of success as well as the blame of failure.

§ 8. Should an irreconcilable diversity of opinion occur when several physicians are called upon to consult together, the opinion of the majority should be considered as decisive; but if the numbers be equal on each side, then the decision should rest with the attending physician. It may, moreover, sometimes happen, that two physicians cannot agree in their views of the nature of a case, and the treatment to be pursued. This is a circumstance much to be deplored, and should always be avoided, if possible, by mutual concessions, as far as they can be justified by a conscientious regard for the dictates of judgment. But in the event of its occurrence, a third physician should, if practicable, be called to act as umpire, and if circumstances prevent the adoption of this course, it must be left to the patient to select the physician in whom he is most willing to confide. But as every physician relies upon the rectitude of his judgment, he should, when left in the minority, politely and consistently retire from any further deliberation in the consultation, or participation in the management of the case.

§ 9. As circumstances sometimes occur to render a *special consultation* desirable, when the continued attendance of two physicians might be objectionable to the patient, the member of the faculty whose assistance is required in such cases, should sedulously guard against all future unsolicited attendance. As such consultations require an extraordinary portion both of time and attention, at least a double honorarium may be reasonably expected.

§ 10. A physician who is called upon to consult, should observe the most honorable and scrupulous regard for the character and standing

of the practitioner in attendance: the practice of the latter, if necessary, should be justified as far as it can be, consistently with a conscientious regard for truth, and no hint or insinuation should be thrown out, which could impair the confidence reposed in him, or affect his reputation. The consulting physician should also carefully refrain from any of those extraordinary attentions or assiduities which are too often practiced by the dishonest for the base purpose of gaining applause, or ingratiating themselves into the favor of families and individuals.

ARTICLE V.

DUTIES OF PHYSICIANS IN CASES OF INTERFERENCE.

§ 1. Medicine is a liberal profession, and those admitted into its ranks should found their expectations of practice upon the extent of their qualifications, not on intrigue or artifice.

§ 2. A physician, in his intercourse with a patient under the care of another practitioner, should observe the strictest caution and reserve. No meddling inquiries should be made; no disingenuous hints given relative to the nature and treatment of his disorder; nor any course of conduct pursued that may directly or indirectly tend to diminish the trust reposed in the physician employed.

§ 3. The same circumspection and reserve should be observed, when, from motives of business or friendship, a physician is prompted to visit an individual who is under the direction of another practitioner. Indeed, such visits should be avoided, except under peculiar circumstances, and when they are made, no particular inquiries should be instituted relative to the nature of the disease, or the remedies employed, but the topics of conversation should be as foreign to the case as circumstances will admit.

§ 4. A physician ought not to take charge of, or prescribe for a patient who has recently been under the care of another member of the faculty in the same illness, except in cases of sudden emergency, or in consultation with the physician previously in attendance, or when the latter has relinquished the case or been regularly notified that his services are no longer desired. Under such circumstances, no unjust and illiberal insinuations should be thrown out in relation to the conduct or practice previously pursued, which should be justified as far as candor and regard for truth and probity will permit; for it often happens, that patients become dissatisfied when they do not experience immediate relief, and, as many diseases are naturally protracted, the want of success, in the first stage of treatment, affords no evidence of a lack of professional knowledge and skill.

§ 5. When a physician is called to an urgent case, because the family attendant is not at hand, he ought, unless his assistance in consultation be desired, to resign the care of the patient to the latter immediately on his arrival.

§ 6. It often happens, in cases of sudden illness, or of recent accidents and injuries, owing to the alarm and anxiety of friends, that a number of physicians are simultaneously sent for. Under these circumstances, courtesy should assign the patient to the first who arrives,

who should select from those present, any additional assistance that he may deem necessary. In all such cases, however, the practitioner who officiates should request the family physician, if there be one, to be called, and unless his further attendance be requested, should resign the case to the latter on his arrival.

§ 7. When a physician is called to the patient of another practitioner, in consequence of the sickness or absence of the latter, he ought, on the return or recovery of the regular attendant, and with the consent of the patient, to surrender the case.

§ 8. A physician, when visiting a sick person in the country, may be desired to see a neighboring patient who is under the regular direction of another physician, in consequence of some sudden change or aggravation of symptoms. The conduct to be pursued on such an occasion is to give advice adapted to present circumstances; to interfere no farther than is absolutely necessary with the general plan of treatment; to assume no future direction, unless it be expressly desired; and in this last case, to request an immediate consultation with the practitioner previously employed.

§ 9. A wealthy physician should not give advice *gratis* to the affluent, because his doing so is an injury to his professional brethren. The office of a physician can never be supported as an exclusively beneficent one; and it is defrauding, in some degree, the common funds for its support, when fees are dispensed with, which might justly be claimed.

§ 10. When a physician who has been engaged to attend a case of midwifery is absent, and another is sent for, if delivery is accomplished during the attendance of the latter, he is entitled to the fee, but should resign the patient to the practitioner first engaged.

ARTICLE VI.

OF DIFFERENCES BETWEEN PHYSICIANS.

§ 1. Diversity of opinion, and opposition of interest, may, in the medical, as in other professions, sometimes occasion controversy, and even contention. Whenever such cases unfortunately occur, and cannot be immediately terminated, they should be referred to the arbitration of a sufficient number of physicians, or a *court-medical*.

As peculiar reserve must be maintained by physicians towards the public, in regard to professional matters, and as there exist numerous points in medical ethics and etiquette through which the feelings of medical men may be painfully assailed in their intercourse with each other, and which cannot be understood or appreciated by general society, neither the subject matter of such differences nor the adjudication of the arbitrators should be made public, as publicity in a case of this nature may be personally injurious to the individuals concerned, and can hardly fail to bring discredit on the faculty.

ARTICLE VII.

OF PECUNIARY ACKNOWLEDGMENTS.

§ 1. Some general rules should be adopted by the faculty, in every town or district, relative to *pecuniary acknowledgments* from their patients; and it should be deemed a point of honor to adhere to these rules with as much uniformity as varying circumstances will admit.

CHAPTER III.

OF THE DUTIES OF THE PROFESSION TO THE PUBLIC, AND OF THE
OBLIGATIONS OF THE PUBLIC TO THE PROFESSION.

ARTICLE I.

DUTIES OF THE PROFESSION TO THE PUBLIC.

§ 1. As good citizens, it is the duty of physicians to be ever vigilant for the welfare of the community, and to bear their part in sustaining its institutions and burdens: they should also be ever ready to give counsel to the public in relation to matters especially appertaining to their profession, as on subjects of medical police, public hygiene, and legal medicine. It is their province to enlighten the public in regard to quarantine regulations—the location, arrangement, and dietaries of hospitals, asylums, schools, prisons, and similar institutions—in relation to the medical police of towns, as drainage, ventilation, &c.; and in regard to measures for the prevention of epidemic and contagious diseases; and when pestilence prevails, it is their duty to face the danger, and to continue their labors for the alleviation of the suffering, even at the jeopardy of their own lives.

§ 2. Medical men should also be always ready, when called on by the legally constituted authorities, to enlighten coroners' inquests and courts of justice, on subjects strictly medical—such as involve questions relating to sanity, legitimacy, murder by poisons or other violent means, and in regard to the various other subjects embraced in the science of medical jurisprudence. But in these cases, and especially where they are required to make a post-mortem examination, it is just, in consequence of the time, labor and skill required, and the responsibility and risk they incur, that the public should award them a proper honorarium.

§ 3. There is no profession, by the members of which eleemosynary services are more liberally dispensed than the medical, but justice requires that some limits should be placed to the performance of such good offices. Poverty, professional brotherhood, and certain public duties referred to in section one of this chapter, should always be recognized as presenting valid claims for gratuitous services; but neither institutions endowed by the public or by rich individuals, societies for mutual benefit, for the insurance of lives or for analogous purposes, nor any profession or occupation, can be admitted to possess such privilege. Nor can it be justly expected of physicians to furnish certificates of inability to serve on juries, to perform militia duty, or to testify to the state of health of persons wishing to insure their lives, obtain pensions, or the like, without a pecuniary acknowledgment. But to individuals in indigent circumstances, such professional services should always be cheerfully and freely accorded.

§ 4. It is the duty of physicians, who are frequent witnesses of the enormities committed by quackery, and the injury to health and even destruction of life caused by the use of quack medicines, to enlighten the public on these subjects, to expose the injuries sustained by the unwary from the devices and pretensions of artful empirics and impostors. Physicians ought to use all the influence which they may possess, as

professors in colleges of pharmacy, and by exercising their option in regard to the shops to which their prescriptions shall be sent, to discourage druggists and apothecaries from vending quack or secret medicines, or from being in any way engaged in their manufacture and sale.

ARTICLE II.

OBLIGATIONS OF THE PUBLIC TO PHYSICIANS.

§ 1. The benefits accruing to the public directly and indirectly from the active and unwearied beneficence of the profession, are so numerous and important, that physicians are justly entitled to the utmost consideration and respect from the community. The public ought likewise to entertain a just appreciation of medical qualifications—to make a proper discrimination between true science and the assumptions of ignorance and empiricism—to afford every encouragement and facility for the acquisition of medical education—and no longer to allow the statute books to exhibit the anomaly of exacting knowledge from physicians, under liability to heavy penalties, and of making them obnoxious to punishment for resorting to the only means of obtaining it.

LIST OF MEMBERS

OF THE

ONEIDA COUNTY MEDICAL SOCIETY.

JULY 1, 1806.

Amos G. Hull,*
Sewal Hopkins,*
David Hasbrouck,*
Seth Hastings, Jr.,
Caleb Sampson,*
Francis Guiteau,*
Matthew Brown, Jr.,
Welcome Sayles,*
Elnathan Judd,*
Shearman Bartholomew,
Marcus Hitchcock,*
Isaac Weston,
Thomas Hartwell,*
Laurens Hull,
Zenas Hutcheson,*
Alexander Whaley,
Morris Shannon,
Paul Hutcheson, Jr.,*
Eliphaz Bissell,*
Seth Capron,*
Daniel Avery,
John Fitch,*
Enoch Alden,
Stephen Beston,*
Arba Blair,
Thomas G. Hooker,
Norton Porter,*
Seth Hastings,*
Samuel Frisbee.

SEPT. 2, 1806.

Solomon Wolcott,*
Nathaniel Rose,
Isaac Goodsell,
Fenos Deming,*
Earl Bill,
Lucius Kellogg,

Sylvester Nash,
Joel Rathburn,*
Joshua Ransom,*

JULY 8, 1807.

Andrew French,
Luther Guiteau,*
Samuel Snow,
Chester Gaylord,
Waitstill W. Wolcott,*
Spalding Pierce.

JAN. 12, 1808.

Christian Stockman.*

JULY 5, 1808.

Amasa Trowbridge,
Henry Smith.*

JULY 6, 1813.

Isaac Cushman,
Ira Cross,
Erastus Cross,
Lemuel L. Chester,
Ezra Williams,
Nathaniel Cheever.*

SEPT. 14, 1813.

Lewis Riggs,
Campbell Waldo.

JAN. 6, 1814.

John M. Watson,
Charles Babcock,*
Roswell P. Hayes,*
Wilbor Tillinghast,
Josiah Noyes.*

* Signifies Deceased.

JULY 5, 1814.

Daniel Barker,
David M. Hale.

DEC. 26, 1815.

W. M. Coventry.*

JULY 1, 1817.

Samuel Willard,
Leverett Bishop,
Thomas Goodsell.

JAN. 6, 1818.

James L. Palmer.*

JULY 7, 1818.

Jotham Snow,
Emory Bissell,*
Moses Bristol,
Silas West,
Ariel Norton.*

JAN. 5, 1819.

George Brown.

JULY 6, 1819.

David M. Richards.

JULY 4, 1820.

Seth S. Peck,*
Luther Spalding.

JAN. 1, 1822.

Alexander Coventry,*
John McCall,
Theodore Pomeroy,
Edmund Allen.

JULY 21, 1822.

Medina Preston,
Simon Z. Havens,
John F. Trowbridge,
Hezekiah Gates.*

JULY 1, 1823.

Stephen Winchester,*
Almon Beardsley,
Abram Chase,
Abram Dievendorf,

Levi Buckingham,
John L. Livermore,
Curtis Havens.

JAN. 6, 1824.

Samuel Beach,
Thomas S. Mills.

JULY 6, 1824.

James Douglas,
Robert C. Wood,
William Jones,
Samuel Tuttle.

JAN. 4, 1825.

Horatio G. Torbet,
Levi Beardsley.

JULY 5, 1825.

Garret P. Judd,
Charles B. Coventry,
Edward Aikin,*
Isaac Freeman,
Herbert Hastings,
Samuel Hastings,
Newell Smith.*

JAN. 3, 1826.

Welcome A. Clark.*

JULY 4, 1826.

John A. Payne,
John Stevens,
Huchen Storrs,
Caleb Burge.*

JAN. 2, 1827.

Benjamin Crossman,*
L. Guiteau, Jr.,
G. E. Harrall.

JULY 3, 1827.

Wm. P. Cleveland.

JAN. 1, 1828.

Frederic B. Henderson,
O. L. B. Main,*
L. Boomer,
A. McAllister.

JULY 1, 1828.

Benj. Earl Bowen,
Patrick McCraith,
P. B. Peckham,
Covel Lee,
George H. Wright,
David Ely,
Ezra Watson,
John P. Batchelder,
Eli Botsford,
Jeremiah Knight,*
Parker Sedgwick.

JAN. 6, 1829.

Royal S. Sykes,
William Abell.*

JULY 7, 1829.

I. N. Meacham,*
Alfred Gillet,
John D. Bancroft,
Thomas M. Foote,
Ralph Lord,
Nathaniel Sherrill,*
Charles Porter,
John Gridley.

JAN. 5, 1830.

Elijah Ward,
Nathan North,
Marcus Hitchcock,*
Harold H. Pope.

JULY 6, 1830.

Isaac H. Douglas,
Wm. S. Lobdell,
Wm. C. Warner,*
John W. Fitch,
Warner Wadsworth,
John W. Hitchcock.

JULY 5, 1831.

Alvan W. Marsh,
Rufus Priest,*
Lewis Yale,*
Helow F. Noyes.

JAN. 3, 1832.

Asahel Grant,*
James S. Douglas,

L. Cooper Benjamin,
Aaron B. Bligh,
John Staats,
Jas. M. Fuller,
Edgar G. Mygatt,
Edward C. Cadwell,*
James S. Whaley,
D. G. Thomas.

JULY 3, 1832.

— Van Zandt,
Edward Loomis,
George Cleveland.

OCT. 2, 1832.

G. W. Gardner.

JAN. 1, 1833.

Reuben Luce,
Ichabod Davis, Jr.,
W. H. Peckham.

MARCH 4, 1833.

Albert W. Lothrop.

JULY 2, 1833.

S. W. Stewart,*
Wm. W. Teft,
Wm. Giles,
David W. Bradford.

JAN. 7, 1834.

— Blossom,
— Henry.*

JULY 1, 1834.

Fitch Howes,
Josiah Rathbun,
Daniel Brainerd,
Orville P. Laird,
E. A. Munger.

JAN. 6, 1835.

David Larrabee,
J. R. McKibbin,*
Gustavus W. Pope.

JULY 7, 1835.

Lyman Buckley,
Justin B. Colwell,

JULY 7, 1835.

Wm. Kirkwood,*
Charles Barrows,
Giles P. Sheldon.

JAN. 5, 1836.

Rowland Sears.*

JULY 5, 1836.

J. P. Newland.

JAN. 3, 1837.

Almond Pitcher.

JULY 4, 1837.

Barzillai Budlong.

JULY 3, 1838.

J. V. Cobb,
— Davis.

JAN. 1, 1839.

W. H. Wiser,
P. C. Knieskern.

JULY 2, 1839.

Brockholdst McVickar.

JAN. 7, 1840..

I. S. May.

JAN. 5, 1841.

Wm. Morris,
— King,
— Olmstead.

JULY 6, 1841.

— Trask,
— Hurlburt.*

JAN. 4, 1842.

M. M. Bagg,
J. L. Kellogg,
J. T. Keller,
Dewitt C. Hamilton.

JULY 5, 1842.

P. M. Hastings,
Chas. S. Johnson.*

JAN. 3, 1843.

Welcome A. Babcock,
Amariah Brigham.*

JULY 1, 1844.

Theodore Dimon.

JULY 1, 1845.

J. W. Harmon.

JULY 6, 1846.

F. M. Barrows.

JULY 6, 1847.

John H. Champion,
N. H. Dering.

JAN. 9, 1849.

D. P. Bissell.

JULY 10, 1849.

Harvey Hunt.

JAN. 8, 1850.

N. D. Benedict.

JAN. 14, 1851.

Ulric Burke,
Samuel G. Wolcott,
Bonaparte Philleo.*

JAN. 13, 1852.

Gustavus W. Pope.

JULY 13, 1852.

A. D. Churchill.*

JAN. 10, 1854.

D. C. Dewey.

JAN. 4, 1855.

Frederick T. Henderson, Jr.,
Henry N. Porter,
J. M. Sturtevant,
— Flandrau,
Jacob Hunt,
— Thayer.

JULY 4, 1855.

Joseph E. West,
A. S. Copeman.

JAN. 8, 1856.

William Russell,
Thos. Spears,
— Brown.

AN ACT *in relation to the practice of Physic and Surgery.* Passed May 6, 1844. Chap. 275, p. 406.

§ 1. The twenty-second section of chapter fourteen, title seven, part first of the Revised Statutes, and all laws of this state which prohibit any person from recovering, by suit or action, any debt or demand arising from the practice of physic or surgery, or a compensation for services rendered in attending the sick or in prescribing for the sick, are hereby repealed.

[Sec. 2 repeals chap. 126 of 1830.]

§ 3. No person shall be liable to any criminal prosecution or to indictment, for practicing physic and surgery without license, except in cases of mal-practice, or gross ignorance, or immoral conduct in such practice.

§ 4. All and every person, not being a licensed physician, who shall practice or attempt to practice physic or surgery, or who shall prescribe for or administer medicines or specifics to or for the sick, shall be liable for damages, in cases of mal-practice, as if such person were duly licensed to practice physic or surgery.

§ 5. Any person, not being a licensed physician, who shall practice or profess to practice physic or surgery, or shall prescribe medicines or specifics for the sick, and shall, in any court having cognizance thereof, be convicted of gross ignorance, mal-practice or immoral conduct, shall be deemed guilty of a misdemeanor, and liable to a fine not less than fifty dollars, nor not exceeding one thousand dollars, or imprisonment in the county jail not less than one month, nor exceeding twelve months, or both, in the discretion of the court.

